

REMARKS

Claims 3-5 and 27-29 are pending in the application. Claims 3-5 and 27-29 are amended.

CLAIM REJECTIONS—35 U.S.C. § 103

Claims 3-5 and 27-29 were rejected under 35 U.S.C. § 102(e) as being unpatentable, allegedly, over U.S. Patent No. 6,185,208 (“Liao”) in view of U.S. Patent No. 5,802,351 (“Frampton”). This rejection is respectfully traversed.

Claim 3 requires, among other features, that “the device profile information includes a buffer size describing a number of characters that a hardware buffer on the device can hold concurrently without loss of input data.”

The Office Action alleges that Liao’s “account information storage area 610” is analogous to “the device profile information” of Claim 3.

However, Liao never discloses, anywhere, that “account information storage area 610” includes a buffer size that describes a number of characters that a hardware buffer of a mobile device can hold concurrently without loss of data. In col. 9, lines 64-66, Liao indicates that area 610 “stores account, configuration and other information,” but says nothing of the buffer size of a mobile device. In col. 10, lines 31-38, Liao says that area 610 “can store service limitations, security limitations, preference information, screen configuration information, and the like for each of the remote wireless browsers 620 . . . [and] data or pages of data that are of interest to the remote wireless browsers 620.” None of this data that can be stored in area 610 is “a buffer size describing a number of characters that a hardware buffer on the device can hold concurrently

without loss of input data.” These are the only portions of Liao that refer to area 610. Therefore, Liao never discloses, anywhere, that “account information storage area 610” includes a buffer size that describes a number of characters that a hardware buffer of a mobile device can hold concurrently without loss of data.

Liao indicates, in col. 4, lines 55-56 and elsewhere, that a wireless data network, particularly one in which the SMS protocol is used, is limited to maximum packet sizes of 140 bytes. However, this is a limitation of the **network**, and **not** a limitation of the **buffer size** of any **mobile device**. The fact that the size limitation applies to the **network** (and not the mobile device) is made abundantly clear, for example, in col. 5, line 1 (“limited in size **due to the wireless network**”), in col. 5, lines 3-4 (“there is a maximum packet size **for use on the wireless network** 104”), in col. 5, lines 23-24 (“a maximum packet size **for the wireless data network**”), in col. 6, lines 9-10 (“maximum size corresponds with a maximum packet size **for a wireless data network**”), in the Abstract (“fragmenting a message for transmission over a **network (e.g., a wireless data network)**” **that supports only a limited size message**”), and in col. 1, lines 31-33 (“A **wireless network**, however, has a pre-defined or **maximum message size that it is able to transmit efficiently through the wireless network**”).

The limitations of the wireless network do not imply any limitation on the size of messages that the recipient mobile devices can store in their buffers. Indeed, Liao indicates that mobile device 106 **re-assembles** sub-messages (each one being up to 140 bytes) **to form the original message** (over 140 bytes) (col. 5, lines 12-14). In order for mobile device 106 to perform this re-assembly of the original message, mobile device **must** be able to store **more** than one 140 byte sub-message. Thus, the message size limitation is a limitation **only of the wireless network**, and **not** of the **buffer of the mobile device**. Furthermore, the message size limitations

of the wireless network have nothing to do with the data stored in Liao's area 610 (the alleged "device profile information"). Liao's area 610 does not indicate information about the message size limitations of the wireless network.

The Office Action argues that "the profile information stores numerous information about the client device including the type of network the device is capable of transmitting information in. Such information is used to determine the amount of characters the device buffer can receive. For example, SMS can take 140 bytes of data." However, even if an SMS can only transmit messages that are 140 bytes in size, this does **not** in any way mean that the device's buffer is only capable of holding messages that are at most 140 bytes in size. Liao actually **teaches away** from the idea that an SMS-capable device's buffer can only hold 140 bytes of data—again, Liao says that mobile device 106 **re-assembles** sub-messages (each one being up to 140 bytes) **to form the original message** (over 140 bytes) (col. 5, lines 12-14). In order for mobile device 106 to be able to perform this re-assembly of the original message, the mobile device's buffer **must** be able to store **more** than one 140 byte sub-message. The mobile device's buffer **must** be able to hold more than 140 bytes—which is greater than any amount that is allegedly indicated in Liao's "profile information."

Therefore, Liao fails to disclose "the device profile information includes a buffer size describing a number of characters that a hardware buffer on the device can hold concurrently without loss of input data" as recited in Claim 3.

Liao also fails to disclose "determining, **based on the device profile information, whether the first data exceeds a capacity of the mobile device, wherein the capacity is based on the buffer size**" as recited in Claim 3. As is clear from the discussion above, Liao's splitting of messages into smaller sub-messages has **nothing to do** with the capacity of the mobile device

or the buffer size of the mobile device; the message splitting is performed solely due to the limitations of the wireless network. Thus, even if Liao discloses some determining of whether a message exceeds a size permitted by the **wireless network**, Liao does **not** disclose “determining, **based on the device profile information, whether the first data exceeds a capacity of the mobile device, wherein the capacity is based on the buffer size**” as recited in Claim 3.

Frampton also does not disclose these features of Claim 3. The Office Action only relies on Frampton to disclose, allegedly, that a mobile telephone may contain a hardware buffer. However, even if Liao’s device were modified so that Liao’s device included a hardware buffer as allegedly disclosed by Frampton, this would not change the fact that neither Liao’s system nor Frampton’s system maintains device profile information that includes a buffer size that describes a number of characters that such a hardware buffer can hold concurrently without loss of data. Thus, even if Liao and Frampton could be combined, the combination still would not disclose, teach, or suggest that “the device profile information includes a buffer size describing a number of characters that a hardware buffer on the device can hold concurrently without loss of input data.” Therefore, Claim 3 is patentable over Liao and Frampton under 35 U.S.C. § 103(a).

Claims 4 and 5 also each recite that “the device profile information includes a buffer size describing a number of characters that a hardware buffer on the device can hold concurrently without loss of input data.” Therefore, Claims 4 and 5 are also patentable over Liao and Frampton under 35 U.S.C. § 103(a).

Claims 27-29 are analogous to Claims 3-5, respectively, and are therefore also patentable over Liao and Frampton under 35 U.S.C. § 103(a) for at least the reasons discussed above.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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